

PRINCETON BOARD OF HEALTH ORDINANCE 2013-01

PROHIBITION OF SMOKING ON PUBLIC PROPERTY

AN ORDINANCE TO COMPLY WITH THE "SMOKE-FREE AIR ACT", CHAPTER 383, OF THE STATE OF NEW JERSEY TO PROHIBIT SMOKING ON PUBLIC PROPERTY.

WHEREAS, the Princeton Board of Health was established pursuant to N.J.S.A. 26:3-1; and

WHEREAS, pursuant to N.J.S.A. 26:3-1, the Board of Health may make amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the previous State legislation which prohibited municipalities from passing strict local smoking laws that differed from the State standards was repealed and the State now expressly authorizes municipalities to enact strict ordinances regulating smoking under N.J.S.A. 26:3D-63; and

WHEREAS, N.J.S.A. 2C:33-13b also provides that the owner and/or operator of a public place, such as public parks and recreational areas, may prohibit smoking on such property; and

WHEREAS, the Princeton Board of Health recognizes the well-known health and safety risks posed by smoking and finds that it is within the public interest to prohibit smoking in public buildings and on public property, such as public parks and recreation areas; and

WHEREAS, the Princeton Board of Health has determined that the public interest is especially implicated in preventing the youth of Princeton from being exposed and succumbing to the temptations of experimenting with tobacco products; and

WHEREAS, the Princeton Board of Health also finds that the appearance of parks, recreation areas and the public pool can be enhanced and the limited resources of the Departments of Public Works and Recreation can be conserved if smoking were to be banned from such areas, thereby keeping such areas free of the litter typically generated by the smoking of cigarettes, such as cigarette butts, ashes and packaging.

NOW, THEREFORE BE IT ORDAINED, by the Princeton Board of Health concerning compliance with the "SMOKE-FREE AIR ACT", CHAPTER 383, of the State of New Jersey prohibiting smoking on public property the following additions:

SECTION 1:

Definitions. As used in this chapter, the following words shall have the following meanings:

ENCLOSED AREA shall mean all areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

PARKS AND RECREATIONAL FACILITIES shall include all public parks, playgrounds, ball fields, swimming pools, plazas publicly owned or leased by Princeton, and all property owned or leased by Princeton upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, sidewalks, any parking area driveway or drive aisle.

MUNICIPAL BUILDINGS shall include all structures owned, leased, rented and/or operated by Princeton, and/or occupied by employees and used for official business of the Princeton.

SMOKING the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

SECTION 2:

Prohibition of smoking in public places; signs.

A. Smoking shall be prohibited in all Municipal Buildings as defined herein. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at each Municipal Building entrance and within each closed area where smoking is prohibited by this Section. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

B. Smoking shall be prohibited within a thirty-five (35) foot radius of all entrances of all Municipal Buildings. No smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted both on the building and at the thirty-five (35) foot perimeter of all entrances of all Municipal buildings where smoking is prohibited by this Section. The signs shall be clearly visible to the public and shall contain letters or a symbol which shall also indicate that violators are subject to a fine.

C. Smoking shall be prohibited in all public parks and recreation facilities owned or leased by Princeton and all property owned or leased by Princeton upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle, which have been designated with no-smoking signs. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted in all areas regulated by this Section. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited at the designated area. The sign shall also indicate that violators are subject to a fine.

D. Smoking shall be prohibited in any municipal vehicle registered to Princeton.

SECTION 3:

ENFORCEMENT:

The enforcement authority of this section shall be the Chief of Police and/or his/her designees of Princeton.

VIOLATIONS AND PENALTIES:

Any person who violates any provision of this Section shall be subject to a fine of not less than two hundred fifty dollars (\$250.00) for the first offense, five hundred dollars (\$500.00) for the second offense and one thousand dollars (\$1,000.00) for each subsequent offense. Any municipal employee found in violation of this section may also be subject to discipline in accordance with the provisions of Princeton policies and procedures.

If any of provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION 4:

That all ordinances and parts of ordinances in conflict or inconsistent with this ordinance are hereby repealed, but only to the extent of such conflict or inconsistency.

SECTION 5:

This ordinance shall take effect after final passage and upon expiration of twenty (20) days following publication unless otherwise provided by resolution by the Board of Health.

First Reading: February 19, 2013

First Publication: February 22, 2013

Second Reading and Adoption: March 19, 2013

Second Publication:

George DiFerdinando, Jr. MD, MPH, Chair

Princeton Board of Health